

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 12. NATURAL RESOURCES

#### CHAPTER 4. GAME AND FISH COMMISSION

*Editor's Note: The following Notices of Proposed Rulemaking were exempt from Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 1239.)*

[R14-74]

#### PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|--|--------------------------|
| R12-4-101  | Amend                    |
| R12-4-107  | Amend                    |
| R12-4-114  | Amend                    |
| R12-4-118  | New Section              |
| R12-4-121  | Amend                    |
| R12-4-302  | Amend                    |
| R12-4-611  | Amend                    |
- 2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):**  
Authorizing statute: A.R.S. § 17-231(A)(1)  
Implementing statute: A.R.S. §§ 17-102, 17-231(A)(1), 17-231(A)(2), 17-231(A)(3), 17-231(A)(8), 17-231(B)(1), 17-231(B)(8), 17-234, 17-301, 17-331, 17-332, 17-371, and Title 41, Chapter 6, Article 10
- 3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed rule:**  
Notice of Rulemaking Docket Opening: 20 A.A.R. 1233, May 30, 2014 (*in this issue*)
- 4. The agency's contact person who can answer questions about the rulemaking:**  
Name: Celeste Cook, Rules Analyst  
Address: Arizona Game and Fish Department  
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Phoenix, AZ 85086  
Telephone: (623) 236-7390  
Fax: (623) 236-7677  
E-mail: ccook@azgfd.gov  
Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at [http://www.azgfd.gov/inside\\_azgfd/rules/rulemaking\\_updates.shtml](http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml).
- 5. An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**  
The Department's principle operational revenue comes from the sale of hunting and fishing licenses, hunt permits, tags, stamps and matching funds from federal excise taxes hunters and anglers pay on guns, ammunition, fishing tackle, motorboat fuels, and related equipment. Over the past several years, sales of licenses, permits, stamps, and tags have trended downward while operational costs and Department responsibilities have increased or expanded. In January 2014, the Commission implemented a new basic license structure to generate additional revenue for the

**Notices of Proposed Rulemaking**

Game and Fish Fund, remove barriers for recruitment of new hunters and anglers, and provide more value to recruit and retain customers. Although the Department's revenue projections indicate a \$3.8 million revenue increase may result from the exempt rulemaking, it is too soon to tell if the projections were correct.

During the First Regular Session of the 51st Arizona State Legislature, the Legislature amended A.R.S. Titles 5 and 17 to allow the Arizona Game and Fish Commission to establish license classifications and fees to give the Department the ability to operate more like a business.

In January 2014, the Commission directed the Department to further explore the concept of bundling products and services as a means to encourage participation in recreational activities and generate additional revenue. The Commission anticipates membership program participation will provide the public with a way to stay up to date on the latest angling, hunting, volunteer, and Department activities, connect with others who have like interests, and make a positive impact on the greater hunter, angler, and wildlife viewer community. Maintaining a membership for multiple years can provide a rewarding experience as the program and its members grow. The Commission proposes to make the membership program available for purchase/enrollment online only to allow the Department to link the person's membership with their Department record, when one exists.

Under A.R.S. § 17-331, a person is required to carry a license or "proof of purchase" and produce it on request to any game ranger, wildlife manager or peace officer. Because hunting and fishing licenses and tags are available at Department offices, at license dealers, and online, the size, shape, format, and features vary depending on where they were purchased. The Commission proposes to amend R12-4-101 to define "proof of purchase" to clarify what is needed to establish proof of purchase.

The Commission proposes to amend R12-4-107 to enable the Department to reinstate forfeited bonus points when a person donates an original, unused hunt permit-tag to a qualified non-profit organization. The person must have an active and valid membership in the Department's membership program with at least one unredeemed tag surrender at the time the person applied for the hunt permit-tag and at the time of tag transfer and provide proof the tag was donated to an eligible non-profit organization. The current rule allows the Department to reinstate a person's bonus points when the person is unable to use a hunt permit-tag due to mobilization, activation, or required duty in response to a declared national or state emergency. The rule also allows the Department to correct a person's bonus point total when a Department error resulted in an incorrect total. The proposed rule clarifies that the reinstatement of a person's bonus points for these reasons is not subject to the requirements of the new tag surrender rule, R12-4-118.

The Commission proposes to amend R12-4-114 to remove descriptive language relating to tag features. Including this language in rule makes it difficult for the Department to procure permit- and nonpermit-tags and does not allow the Department to easily change tag features.

The Commission proposes to adopt a new rule establishing the requirements that enable a person to surrender an unused original hunt permit-tag. Under R12-4-107, all of a person's accumulated bonus points for a genus are forfeited when the person is issued a hunt permit-tag in a computer drawing. The Commission directed the Department to develop a tag surrender option that would allow a hunter to surrender their unused, original hunt permit-tag and become eligible to purchase another hunt permit-tag for a future hunt. The proposed rule allows the Department to restore the person's bonus points that were forfeited for the surrendered tag, and award any bonus points the person would have accrued had the person been unsuccessful in the computer draw for the surrendered tag. The Department will not refund any fees the person paid for the surrendered tag, as prohibited under A.R.S. § 17-332(E). The proposed rule also enables the Department to re-issue or destroy the surrendered tag. The Department will base the decision to reissue or destroy the surrendered tag using specific criteria, such as the proximity to the start of a hunt for which the tag is valid, the type of tag, and whether the tag is for a high demand hunt. The Commission proposes to re-issue a surrendered tag using any one or more of the following methods: 1) Offer the surrendered tag, beginning with the highest membership level in the Department's membership program, to a person who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's draw process. The person must possess or purchase a valid license in order to be eligible to purchase the surrendered tag. If the person is not interested in purchasing the surrendered tag or is not eligible because the person has already met the annual or lifetime bag limit for that genus, the tag would be offered to the next person within that membership level in the Department's membership program who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's draw process, and so on. 2) Offer the surrendered tag to a person who has a valid and active membership in any tier of the Department's membership program which contained a tag surrender option and would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's draw process. The same limitations and requirements that apply to method 1) will apply to this method. 3) Offer the surrendered tag to an eligible person who would have been next to receive a tag, as evidenced by the random numbers assigned during the Department's draw process. The same limitations and requirements that apply to method 1) will apply to this method. 4) Offering the surrendered tag through the first-come, first-serve process. For group applications where one or more members of the group is qualified under the particular method for re-issuing the surrendered tag, the Commission proposes to offer the surrendered tag first to the applicant designated "A," if eligible to receive the surrendered tag. If applicant "A" chooses not to purchase the surrendered tag or is not eligible, the Department will offer the surrendered tag to the applicant designated "B" if qualified to receive a surrendered tag. This process shall continue with applicants "C" and then "D" until the surrendered tag is either pur-

Notices of Proposed Rulemaking

chased or all qualified members of the group application choose not to purchase the surrendered tag. The Commission proposes that a person purchasing the surrendered tag shall forfeit all bonus points accrued for that genus, except any Hunter Education and loyalty bonus points.

For R12-4-121 Big Game Permit or Tag Transfer, the objective of the rule is to establish the requirements for an unused big game tag transfer as authorized under A.R.S. § 12-332, which allows a parent, guardian, or grandparent to transfer their unused big game tag to a minor child or grandchild; or a person to transfer their unused big game tag to a 501(c)(3) organization that provides hunting opportunities and experiences to a minor child with life-threatening medical conditions or physical disabilities. To ensure these organizations are not negatively impacted by the provisions established under R12-4-118, the Commission proposes to amend the rule to allow a person to request the reinstatement of bonus points after transferring a tag to a qualified organization, provided the person had an active and valid membership in the Department's membership program with at least one unredeemed tag surrender at the time the person applied for the hunt permit-tag and at the time of tag transfer.

For R12-4-302 Use of Tags, the objective of the rule is to establish restrictions and requirements for the possession and use of tags, authorizing an individual to take certain wildlife. The Commission proposes to amend the rule to remove descriptive language relating to the manner in which the tag is attached.

For R12-4-611 Petition for Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy, the Commission also proposes to prohibit persons from petitioning the Commission for reinstatement of any forfeited bonus points, except as authorized under R12-4-107(J) and (L). The rule allows an aggrieved person to request a hearing before the Commission when no other administrative remedy exists in statute, rule or policy. The Commission believes that the proposed R12-4-118 will provide a remedy for reinstatement of any forfeited bonus points.

- 6. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The agency did not rely on any study in its evaluation of or justification for the rules.

- 7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

- 8. The preliminary summary of the economic, small business, and consumer impact:**

The Commission anticipates the proposed rulemaking will provide a benefit to the regulated community and the Department by establishing a membership program and establishing the limitations and requirements for surrendering a tag and restoring a person's bonus points forfeited for the surrendered tag. It is difficult to quantify the value a person places on their bonus points; however, it can be significant. The Commission anticipates the proposed rulemaking will have a minimal impact on the regulated community. Becoming a member of the Department membership program is voluntary and only those persons who choose to participate in the program will pay a membership fee. The Commission does not anticipate the membership fee will significantly affect a person's ability to practice an activity or have a significant impact on a person's income, revenue, or employment in this state related to that activity. The Department will benefit from the additional revenue that may be generated. In addition, the rulemaking will not impose increased monetary or regulatory costs on other state agencies, political subdivisions of this state, persons, or individuals so regulated.

- 9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**

Name: Celeste Cook, Rules Analyst  
Address: Arizona Game and Fish Department  
5000 W. Carefree Hwy.  
Phoenix, AZ 85086  
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- 10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: August 1, 2014  
Time: 8:00 a.m. to 5:00 p.m.  
Location: 1175 W. Route 66  
Flagstaff, AZ 86001  
Close of record: August 1, 2014

Notices of Proposed Rulemaking

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

**a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:**

The rule does not require the issuance of a regulatory permit, license, or agency authorization.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:**

The subject matters covered in the rulemaking are governed by state law rather than any corresponding federal law.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

The agency has not received an analysis that compares the rule's impact of competitiveness of business in this state to the impact on business in other states.

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

Not applicable

**13. The full text of the rules follows:**

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 4. GAME AND FISH COMMISSION**

**ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS**

Section

- R12-4-101. Definitions
- R12-4-107. Bonus Point System
- R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags
- R12-4-118. ~~Repeated~~ Hunt Permit-tag Surrender
- R12-4-121. Big Game Permit or Tag Transfer

**ARTICLE 3. TAKING AND HANDLING OF WILDLIFE**

Section

- R12-4-302. Use of Tags

**ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION**

Section

- R12-4-611. Petition for Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy

**ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS**

**R12-4-101. Definitions**

**A.** In addition to the definitions provided under A.R.S. § 17-101, R12-4-301, R12-4-401, and R12-4-501, the following definitions apply to this Chapter, unless otherwise specified:

“Bonus point” means a credit that authorizes the Department to issue an applicant an additional computer-generated random number.

“Commission Order” means a document adopted by the Commission that does one or more of the following:

- Open, close, or alter seasons,
- Open areas for taking wildlife,
- Set bag or possession limits for wildlife,
- Set the number of permits available for limited hunts, or

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

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Specify wildlife that may or may not be taken.

“Day-long” means the 24-hour period from midnight to midnight.

“Firearm” means any loaded or unloaded handgun, pistol, revolver, rifle, shotgun or other weapon that will discharge, is designed to discharge or may readily be converted to discharge a projectile by the action of an explosion caused by the burning of smokeless powder, black powder, or black powder substitute.

“Hunt area” means a game management unit, portion of a unit, or group of units, or any portion of Arizona described in a Commission Order and not included in a game management unit, opened to hunting by a particular hunt number.

“Hunt number” means the number assigned by Commission Order to any hunt area where a limited number of hunt permits are available.

“Hunt permits” means the number of hunt permit-tags made available to the public as a result of a Commission Order.

“Hunt permit-tag” means a tag for a hunt for which a Commission Order has assigned a hunt number.

“Identification number” means the number assigned to each applicant or license holder by the Department, as established under R12-4-111.

“License dealer” means a business authorized to sell hunting, fishing, and other licenses as established under R12-4-105.

“Live baitfish” means any species of live freshwater fish designated by Commission Order as lawful for use in taking aquatic wildlife under R12-4-317.

“Management unit” means an area established by the Commission for management purposes.

“Nonpermit-tag” means a tag for a hunt for which a Commission Order does not assign a hunt number and the number of tags is not limited.

“Proof of purchase,” for the purposes of A.R.S. § 17-331, means an original, or any authentic and verifiable form of the original, of any Department-issued license, permit, or stamp that establishes proof of actual purchase.

“Restricted nonpermit-tag” means a tag issued for a supplemental hunt as established under R12-4-115.

“Stamp” means a form of authorization in addition to a license that allows the license holder to take wildlife specified by the stamp.

“Tag” means the Department authorization that an individual is required to obtain before taking certain wildlife as established under A.R.S. Title 17 and 12 A.A.C. 4.

“Waterdog” means the larval or metamorphosing stage of salamanders.

“Wildlife area” means an area established under 12 A.A.C. 4, Article 8.

**B.** If the following terms are used in a Commission Order, the following definitions apply:

“Antlered” means having an antler fully erupted through the skin and capable of being shed.

“Antlerless” means not having an antler, antlers, or any part of an antler erupted through the skin.

“Bearded turkey” means a turkey with a beard that extends beyond the contour feathers of the breast.

“Buck antelope” means a male pronghorn antelope.

“Bull elk” means an antlered elk.

“Designated” means the gender, age, or species of an animal or the specifically identified animal the Department authorizes to be taken and possessed with a valid tag.

“Ram” means any male bighorn sheep, excluding male lambs.

**R12-4-107. Bonus Point System**

**A.** For the purpose of this Section, the following definitions apply:

“Bonus point hunt number” means the hunt number assigned by the Commission in a Commission Order for use by an applicant applying only for a bonus point for a genus identified in this Section; and

“Loyalty bonus point” means a bonus point awarded to a person who has submitted a valid application for a hunt permit-tag or a bonus point for a specific genus identified in subsection (B) at least once annually for a consecutive five-year period.

**B.** The bonus point system grants a person one random number entry in each drawing for antelope, bear, bighorn sheep, buffalo, deer, elk, javelina, or turkey for each bonus point that person has accumulated under this Section. Each bonus point random number entry is in addition to the entry normally granted under R12-4-104. When processing “group” applications, as defined under R12-4-104, the Department shall use the average number of bonus points accumulated by all persons in the group, rounded to the nearest whole number. If the average is equal to or greater than .5, the total will be rounded to the next higher number.

Notices of Proposed Rulemaking

- C. The Department shall award one bonus point to an applicant who submits a valid Hunt Permit-tag Application Form ~~if~~ when all of the following apply:
1. The application is unsuccessful in the drawing or the application is for a bonus point only;
  2. The application is not for a hunt permit-tag left over after the drawing and available on a first-come, first-served basis as established under R12-4-114; and
  3. The applicant either provides the appropriate hunting license number on the application or submits an application and fees for the applicable license with the Hunt Permit-tag Application Form, as applicable.
- D. An applicant who purchases a bonus point only shall:
1. Submit a valid Hunt Permit-tag Application Form, as prescribed under R12-4-104, with the Commission-assigned bonus point hunt number for the particular genus as the first choice hunt number on the application. The Department shall reject any application that:
    - a. Indicates the bonus point only hunt number as any choice other than the first choice, or
    - b. Includes any other hunt number on the application;
  2. Include the applicable fees:
    - a. Application fee, and
    - b. Applicable license fee, required when the applicant does not possess a valid license at the time of application; and
  3. Submit only one Hunt Permit-tag Application Form per genus per drawing.
- E. With the exception of the hunter education bonus point, each bonus point accumulated is valid only for the genus designated on the Hunt Permit-tag Application Form.
- F. Except for a permanent bonus point awarded for hunter education, or loyalty bonus points that are accrued and forfeited as prescribed in subsection ~~(K)~~ (L), all of a person's accumulated bonus points for a genus are forfeited if:
1. The person is issued a hunt permit-tag for that genus in a computer drawing; ~~or~~
  2. The person fails to submit a Hunt Permit-tag Application Form for that genus for five consecutive years; or
  3. The person purchases a surrendered tag as prescribed under R12-4-118(F)(1), (2), or (3).
- G. Notwithstanding subsection (F), the Department shall reinstate any forfeited bonus points to a person who surrenders or transfers a tag in compliance with R12-4-118 or R12-4-121.
- ~~G-H.~~ An applicant issued a first-come, first-served hunt permit-tag under R12-4-114(C)(2)(d) after the computer drawing does not lose bonus points for that genus, and a valid but unsuccessful applicant for a first-come, first-served hunt permit-tag remaining after the computer drawing does not gain a bonus point.
- ~~H-I.~~ The Department shall award one permanent bonus point for each genus upon a person's first graduation from the Department's Arizona Hunter Education Course or for serving as a Department hunter education instructor.
1. The Department shall credit a person who graduated after January 1, 1980, but before January 1, 1991, or a person certified by the Department as an active hunter education instructor after January 1, 1980, with one permanent bonus point for each genus if the person provides the following information on a form available from the Department: Department identification number; name; address; residency status, and length of Arizona residency, if applicable; date of birth; sex; weight; height; color of hair and eyes; and, for a person other than an instructor, the month and year of graduation from the Department's Arizona Hunter Education Course.
  2. An instructor or a person who has graduated from the Department's Arizona Hunter Education Course shall submit the required form 30 days before a drawing's application deadline, as specified in the hunt permit-tag application schedule, in order for the bonus point to be counted by the Department in that drawing.
- ~~I-J.~~ The Department shall make an applicant's total number of accumulated bonus points available on the Department's application web site or IVR telephone system. If the applicant disagrees with the total, the applicant may request from the Department proof of compliance with this Section to prove Department error. In the event of an error, the Department shall correct the applicant's record.
- ~~J-K.~~ The Department shall credit bonus points under an applicant's Department identification number for the genus on the application. The Department shall not transfer bonus points between persons or genera.
- ~~K-L.~~ The following provisions apply to the loyalty bonus point program:
1. The Department shall award a loyalty bonus point if an applicant submits a valid application at least once a year for a hunt permit-tag or a bonus point for a specific genus consecutively for a five-year period.
  2. An applicant retains a loyalty bonus point once accrued as long as the applicant submits a valid application annually for a hunt permit-tag or a bonus point for the genus for which the loyalty bonus point was accrued.
  3. If an applicant who has accrued a loyalty bonus point fails to apply in any calendar year for a hunt permit-tag for the genus for which the loyalty bonus point was accrued, the applicant's loyalty bonus point for that genus is forfeited.
  4. For the purpose of the loyalty bonus point program, year one of the calculation of consecutive application years is 2001, and the Department shall award a loyalty bonus point to an applicant who qualifies for the loyalty bonus point on or after the effective date of this Section.
  5. A loyalty bonus point is accrued in addition to all other bonus points.
- ~~L-M.~~ The Department shall reinstate any bonus points forfeited for a successful hunt permit-tag application for military person-

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

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nel, military reserve personnel, national guard personnel, or public agency employees who are unable to use the hunt permit-tag due to mobilization, activation, or required duty in response to a declared national or state emergency, or required duty in response to an action by the President, Congress, or a governor of the United States or its territories. Under A.R.S. § 17-332(E), no refunds for a license or hunt permit-tag will be issued to an applicant who applies for reinstatement of bonus points under this subsection. To request reinstatement of forfeited bonus points under these circumstances, an applicant shall submit all of the following information to the Arizona Game and Fish Department, Draw Section, 5000 W. Carefree Highway, Phoenix, AZ 85086:

1. A letter from the applicant requesting reinstatement of bonus points;
2. The hunt number for which the hunt permit-tag is valid;
3. Evidence of mobilization or duty status, such as a letter from the public agency or official orders;
4. An official declaration of a state of emergency from the public agency or authority making the declaration of emergency, if applicable; and
5. The valid, unused hunt permit-tag, which must be received before the beginning date of the hunt for which the hunt permit-tag is valid, or evidence of mobilization or activation that precluded the applicant from submitting the tag before the beginning date of the hunt.

**N. Reinstatement of bonus points under subsection (M) is not subject to the requirements established under R12-4-118.**

**R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags**

- A.** In accordance with A.R.S. § 17-332 and the provisions of this Section, the Department shall annually provide numbered tags for sale to the public. The Department shall ensure that each tag includes a transportation and shipping permit as prescribed ~~in under~~ A.R.S. §§ 17-332 and 17-371, and that each tag ~~is made of tear-resistant material with an adhesive back covered by a detachable paper backing and~~ clearly identifies the animal for which the tag is valid.
- B.** If the Commission establishes a big game season for which a hunt number is not assigned, the Department or its authorized agent, or both, shall sell nonpermit-tags.
1. To obtain a nonpermit-tag, an applicant shall provide to a license dealer or Department office the applicant's name, home mailing address, and Department identification number.
  2. An applicant shall not apply for or obtain nonpermit-tags in excess of the bag limit prescribed by the Commission when it established the season for which the nonpermit-tags are valid.
- C.** If the number of hunt permits for a species in a particular hunt area must be limited, a Commission Order establishes a hunt number for that hunt area, and a hunt permit-tag is required to take the species in that hunt area.
1. To apply for a hunt permit-tag, an applicant shall submit an application as described under R12-4-104.
  2. The Department shall use the following procedure to determine whether a hunt permit-tag will be issued to an applicant:
    - a. The Department shall reserve a maximum of 20% of the hunt permit-tags for each hunt number for antelope, bear, deer, elk, javelina, and turkey to issue to individuals and groups that have bonus points. The Department shall reserve a maximum of 20% of the hunt permit-tags for all hunt numbers combined statewide for bighorn sheep and buffalo to issue to individuals and groups that have bonus points.
    - b. The Department shall issue the reserved hunt permit-tags for hunt numbers designated by eligible applicants as their first or second choices. The Department shall issue the reserved hunt permit-tags by random selection:
      - i. First, to eligible applicants with the highest number of bonus points for that genus;
      - ii. Next, if there are reserved hunt permit-tags remaining, to eligible applicants with the next highest number of bonus points for that genus; and
      - iii. If there are still tags remaining, to the next eligible applicants with the next highest number of bonus points; continuing in the same manner until all of the reserved tags have been issued or until there are no more applicants for that hunt number who have bonus points.
    - c. The Department shall ensure that the first selection from all unreserved hunt permit-tags is by random drawing.
    - d. If the bag limit established by Commission Order is more than one per calendar year, or if there are hunt permit-tags remaining unissued after the random drawings, the Department shall ensure that these hunt permit-tags are available on a set date on a first-come, first-served basis as specified in the hunt permit-tag application schedule published annually.
- D.** The Department shall not make available more than one hunt permit-tag or 10% of the total hunt permit-tags, whichever is greater, for bighorn sheep or buffalo in any draw to nonresidents. The Department shall not make available more than 50% nor more than two bighorn sheep or buffalo hunt permit-tags of the total in any hunt number to nonresidents.
- E.** The Department shall not make available more than 10%, rounded down, of the total hunt permit-tags in any hunt number to nonresidents for antelope, antlered deer, bull elk, javelina, or turkey. If a hunt number for antelope, antlered deer, bull elk, javelina or turkey has 10 hunt permit-tags or fewer, no more than one hunt permit-tag will be made available to a non-resident, except that if a hunt number has only one hunt permit-tag, that tag shall only be available to a resident.
- F.** Any cap established under this Section applies only to hunt permit-tags issued by random drawing under subsections (C)(2)(b) and (c).



*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

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**R12-4-118. ~~Repealed~~ Hunt Permit-tag Surrender**

- A.** The Commission authorizes the Department to implement a tag surrender program if the Director finds:
1. The Department has the administrative capacity to implement the program;
  2. There is public interest in such a program; or
  3. The tag surrender program is likely to meet the Department's revenue objectives.
- B.** The tag surrender program is limited to a person who has a valid and active membership in a Department membership program.
1. The Department may establish a membership program that offers a person various products and services.
  2. The Department may establish different membership levels based on the type of products and services offered and set prices for each level.
    - a. The lowest membership level may include the option to surrender one hunt permit-tag.
    - b. The Department may include with higher membership levels the option to surrender one or more hunt permit-tags.
  3. The Department may establish terms and conditions for the membership program in addition to the following:
    - a. The Department may determine the products and services included with each membership level.
    - b. Membership enrollment is available online only.
    - c. Membership is not transferable.
    - d. The price paid for a membership is not refundable.
- C.** The tag surrender program is restricted to surrendering an original, unused hunt permit-tag obtained through a computer draw.
1. A person must have a valid and active membership in the Department's membership program with at least one unredeemed tag surrender at the time the person applied for the hunt permit-tag and at the time of tag surrender.
  2. A person who chooses to surrender an original, unused hunt permit-tag shall do so prior to the close of business on the day before the hunt begins for which the tag is valid.
- D.** To surrender an original, unused hunt permit-tag, a person shall comply with all of the following conditions:
1. A person shall submit an application form to any Department office. The application form is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide all of the following information on the application form:
    - a. The applicant's:
      - i. Name.
      - ii. Mailing address.
      - iii. Department identification number.
      - iv. Membership number.
    - b. Applicable hunt number.
    - c. Applicable hunt permit-tag number, and
    - d. Any other information required by the Department.
  2. A person shall surrender the original, unused hunt permit-tag as required under subsection (C) in the manner described by the Department as indicated on the application.
- E.** Upon receipt of an original, unused hunt permit-tag surrendered in compliance with this Section, the Department shall:
1. Restore the person's bonus points forfeited for the surrendered tag, and
  2. Award the bonus point the person would have accrued had the person been unsuccessful in the computer draw for the surrendered tag.
  3. Not refund any fees the person paid for the surrendered tag, as prohibited under A.R.S. § 17-332(E).
- F.** The Department may re-issue or destroy the surrendered original, unused hunt permit-tag. The Department shall use the methods described below to re-issue a surrendered tag. Methods for re-issuance of a surrendered tag include:
1. Issuing the surrendered tag, beginning with the highest membership level in the Department's membership program, to a person who has a valid and active membership in that membership level and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's draw process;
  2. Issuing the surrendered tag to a person who has a valid and active membership in any tier of the Department's membership program with a tag surrender option and who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's draw process;
  3. Issuing the surrendered tag to an eligible person who would have been next to receive a tag for that hunt number, as evidenced by the random numbers assigned during the Department's draw process; or
  4. Offering the surrendered tag through the first-come, first-serve process.
- G.** For subsections (F)(1), (2), and (3); if the Department cannot contact a person qualified to receive a tag or the person declines to purchase the surrendered tag, the Department shall make a reasonable attempt to contact and offer the surrendered tag to the next person qualified to receive a tag for that hunt number based on the assigned random number during the Department's draw process. This process will continue until the surrendered tag is either purchased or the number of



*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

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persons qualified is exhausted. For purposes of subsections (G) and (H), the term “qualified” means a person who satisfies the conditions for reissuing a surrendered tag as provided under the selected reissuing method.

- H.** When re-issuing a surrendered tag involves a group application and one or more members of the group is qualified under the particular method for re-issuing the surrendered tag, the Department shall offer the surrendered tag first to the applicant designated “A” if qualified to receive a surrendered tag.
1. If applicant “A” chooses not to purchase the surrendered tag or is not qualified, the Department shall offer the surrendered tag to the applicant designated “B” if qualified to receive a surrendered tag.
  2. This process shall continue with applicants “C” and then “D” until the surrendered tag is either purchased or all qualified members of the group application choose not to purchase the surrendered tag.
- I.** A person who receives a surrendered tag shall submit the applicable tag fee as established under R12-4-102 and provide their valid hunting license number.
1. A person receiving the surrendered tag as established under subsections (F)(1), (2), and (3) shall forfeit all bonus points accrued for that genus, except any Hunter Education and loyalty bonus points.
  2. The applicant shall possess a valid hunting license at the time of purchasing the surrendered tag and at the time of the hunt for which the surrendered tag is valid. If the person does not possess a valid license at the time the surrendered tag is offered, the applicant shall purchase a license in compliance with R12-4-104.
  3. The issuance of a surrendered tag does not authorize a person to exceed the bag limit established by the Commission.
  4. It is unlawful for a person to purchase a surrendered tag when the person has reached the bag limit for that genus during the same calendar year.
- J.** A person is not eligible to petition the Commission under R12-4-611 for reinstatement of any forfeited bonus points, except as authorized under R12-4-107(M).
- K.** For the purposes of this Section and Section R12-4-121, “valid and active membership” means a paid and unexpired membership in any level of the Department’s membership program.

**R12-4-121. Big Game Permit or Tag Transfer**

- A.** For the purposes of this Section, “unused tag” means a big game hunt permit-tag, non-permit tag, or special license tag that has not been attached to any animal.
- B.** A parent, grandparent, or guardian issued a big game hunt permit-tag, non-permit tag, or special license tag may transfer the unused tag to the parent's, grandparent's, or guardian's minor child or grandchild.
1. A parent, grandparent, or guardian issued a tag may transfer the unused tag to a minor child or grandchild at any time prior to the end of the season for which the unused tag was issued.
  2. A parent, grandparent, or guardian may transfer the unused tag by providing all of the following documentation in person at any Department office:
    - a. Proof of ownership of the unused tag to be transferred,
    - b. The unused tag, and
    - c. The minor's valid hunting license.
  3. If a parent, grandparent, or legal guardian is deceased, the personal representative of the individual's estate may transfer an unused tag to an eligible minor. The individual acting as the personal representative shall present:
    - a. The deceased individual's death certificate, and
    - b. Proof of the individual's authority to act as the personal representative of the deceased individual's estate.
  4. To be eligible to receive an unused tag from a parent, grandparent, or legal guardian, the minor child shall meet the criteria established under subsection (D).
  5. A minor child or grandchild receiving an unused tag from a parent, grandparent, or legal guardian shall be accompanied into the field by any grandparent, parent, or legal guardian of the minor child.
- C.** An individual issued a tag or the individual's legal representative may donate the unused tag to a non-profit organization for use by a minor child who has a life threatening medical condition or permanent physical disability.
1. A qualifying organization:
    - a. Is exempt from federal taxation under Section 501(c) of the Internal Revenue Code; and
    - b. Provides hunting opportunities and experiences to children with life-threatening medical conditions or permanent physical disabilities.
  2. The individual or legal representative that donates the unused tag shall provide the non-profit organization with a written statement indicating the unused tag is voluntarily donated to the organization.
  3. The non-profit organization receiving a donated tag under this subsection may transfer the unused tag to an eligible minor child by contacting any Department office.
    - a. To obtain a transfer, the non-profit organization shall:
      - i. Provide proof of donation of the unused tag to be transferred;
      - ii. Provide the unused tag;
      - iii. Provide proof of the minor child's valid hunting license; and
    - b. To be eligible to receive a donated unused tag from a qualifying organization, the minor child shall meet the cri-

Notices of Proposed Rulemaking

teria established under subsection (D).

4. A person who donates an original, unused hunt permit-tag to a qualified non-profit organization may submit a request to the Department asking for the reinstatement of the bonus points forfeited when the unused tag was issued in a computer drawing, provided all of the following conditions are met:
  - a. The person has an active and valid membership in the Department's membership program with at least one unredeemed tag surrender at the time the person applied for the hunt permit-tag and at the time of tag transfer;
  - b. The person submits an application form in compliance with R12-4-118; and
  - c. The person provides proof acceptable to the Department the tag was transferred to an eligible non-profit organization.
  - d. The person submits the request to the Department:
    - i. No later than 60 days after the date on which the tag was transferred to the qualified non-profit organization; and
    - ii. No less than 30 days prior to the computer draw application deadline for that genus, as specified in the hunt permit-tag application schedule.
- D. To receive an unused tag authorized under subsections (B) or (C), an eligible minor child shall meet the following criteria:
  1. Possess a valid hunting license, and
  2. Is 10 to 17 years of age on the date of the transfer. A minor child under the age of 14 shall have satisfactorily completed a Department-approved hunter education course before the beginning date of the hunt.

ARTICLE 3. TAKING AND HANDLING OF WILDLIFE

**R12-4-302. Use of Tags**

- A. In addition to meeting requirements prescribed under A.R.S. § 17-331, an individual who takes wildlife shall have in possession any tag required for the particular season or hunt area.
- B. A tag obtained in violation of statute or rule is invalid and shall not be used to take, transport, or possess wildlife.
- C. An individual who lawfully possesses both a nonpermit-tag and a hunt permit-tag shall not take a genus or species in excess of the bag limit established by Commission Order for that genus or species.
- D. An individual shall:
  1. Take and tag only the wildlife identified on the tag; and
  2. Use a tag only in the season and hunt for which the tag is valid, as specified by Commission Order.
- E. Except as permitted under R12-4-217, an individual shall not:
  1. Allow their tag to be attached to wildlife killed by another individual,
  2. Allow their tag to be possessed by another individual who is in a hunt area,
  3. Attach their tag to wildlife killed by another individual,
  4. Attach a tag issued to another individual to wildlife, or
  5. Possess a tag issued to another individual while in a hunt area.
- F. Except as permitted under R12-4-217, immediately after an individual kills wildlife, the individual shall attach the tag to the wildlife carcass in the following manner:
  1. ~~Remove all of the detachable paper covering from the adhesive back of the tag;~~
  2. ~~Seal the exposed adhesive portions of the tag around the wildlife so the tag cannot be removed or reused and all printing on the face of the tag is visible, and~~
    - a. ~~For antelope, deer, or elk: seal the tag around the antler or horn, or through the gambrel of a hind leg;~~
    - b. ~~For bear, bighorn sheep, buffalo, javelina, or mountain lion: seal the tag through the gambrel of a hind leg; and~~
    - c. ~~For pheasant, sandhill crane, or turkey: seal the tag around the neck or a leg indicated on the tag.~~
- G. An individual who lawfully takes wildlife with a valid tag and authorizes another individual to possess, transport, or ship the tagged portion of the carcass shall complete the Transportation and Shipping Permit portion of the original tag authorizing the take of that animal.
- H. If a tag is ~~sealed cut, notched, or~~ mutilated or the Transportation and Shipping Permit portion of the tag is signed or filled out, the tag is no longer valid for the take of wildlife.

ARTICLE 6. RULES OF PRACTICE BEFORE THE COMMISSION

**R12-4-611. Petition for a Hearing Before the Commission When No Remedy is Provided in Statute, Rule, or Policy**

- A. If no administrative remedy exists in statute, rule or policy, an aggrieved individual may request a hearing before the Commission by following the provisions of this Section.
- B. Any individual who requests a hearing under this Section shall submit a petition as prescribed in this Section before the request for a hearing will be considered by the Commission.
- C. A petitioner shall submit an original and one copy of a petition to the Arizona Game and Fish Department, Director's Office, 5000 W. Carefree Highway, Phoenix, AZ 85086.
- D. The petitioner shall ensure that the petition is typewritten, computer or word processor printed, or legibly handwritten, and

Notices of Proposed Rulemaking

double-spaced on 8 1/2" x 11" paper. The petitioner shall place the title "Petition for Hearing by the Arizona Game and Fish Commission" at the top of the first page. The petition shall include the items listed in subsections (E) through (H). The petitioner shall present the items in the petition in the order in which they are listed in this Section.

- E. The petitioner shall ensure that the title of Part 1 is "Identification of Petitioner" and that Part 1 includes the following information, as applicable:
1. If the petitioner is a private person, the name, mailing address, telephone number, and e-mail address (if available) of the petitioner;
  2. If the petitioner is a private group or organization, the name and address of the organization; the name, mailing address, telephone number, and e-mail address (if available) of one person who is designated as the official contact for the group or organization; the number of individuals or members represented by the private group or organization, and the number of these individuals or members who are Arizona residents. If the petitioner prefers, the petitioner may provide the names and addresses of all members; or
  3. If the petitioner is a public agency, the name and address of the agency and the name, title, telephone number, and e-mail address (if available) of the agency's representative.
- F. The petitioner shall ensure that the title of Part 2 is "Statement of Facts and Issues." Part 2 shall contain a description of the issue to be resolved, and a statement of the facts relevant to resolving the issue.
- G. The petitioner shall ensure that the title of Part 3 is "Petitioner's Proposed Remedy." Part 3 shall contain a full and detailed explanation of the specific remedy the petitioner is seeking from the Commission.
- H. The petitioner shall ensure that the title of Part 4 is "Date and Signatures." Part 4 shall contain:
1. The original signature of the private party or the official contact named in the petition, or, if the petitioner is a public agency, the signature of the agency head or the agency head's designee; and
  2. The month, day, and year that the petition is signed.
- I. If a petition does not comply with this Section, the Director shall return the petition and indicate why the petition is deficient.
- J. After the Director receives a petition that complies with this Section, the Director shall place the petition on the agenda of a regularly scheduled Commission meeting.
- K. If the Commission votes to deny a petition, the Department shall not accept a subsequent petition on the same matter, unless the petitioner presents new evidence or reasons for considering the subsequent petition.
- L. This Section does not apply to the following:
1. A matter related to a license revocation or civil assessment; ~~or~~
  2. An unsuccessful hunt permit-tag draw application, where there was no error on the part of the Department; or
  3. The reinstatement of a bonus point, except as authorized under R12-4-107(M).

NOTICE OF PROPOSED RULEMAKING

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R14-72]

PREAMBLE

- | <u>1. Article, Part, or Section Affected (as applicable)</u> | <u>Rulemaking Action</u> |
|--|--------------------------|
| R12-4-201  | Amend                    |
| R12-4-202  | Amend                    |
| R12-4-205  | Amend                    |
| R12-4-208  | Amend                    |
| R12-4-216  | Amend                    |
| R12-4-217  | Amend                    |
2. Citations to the agency's statutory authority to include the authorizing statute (general) and the implementing statute (specific):
- Authorizing statute: A.R.S. § 17-231(A)(1)
- Implementing statute: A.R.S. §§ 13-3101, 17-101, 17-102, 17-231, 17-235, 17-245, 17-301, 17-332, 17-333, 17-333.01, 17-334, 17-335, 17-335.01, 17-336, 17-340, 17-362, 41-1005, 41-1092, 41-1092.02, 41-1092.04, 41-1092.06, and 41-1092.11
3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:
- Notice of Rulemaking Docket Opening: 20 A.A.R. 1233, May 30, 2014 (*in this issue*)

Notices of Proposed Rulemaking

**4. The agency's contact person who can answer questions about the rulemaking:**

Name: Johnathan O'Dell, WMGM Small Game Biologist  
Address: Arizona Game and Fish Department  
5000 W. Carefree Hwy.  
Phoenix, AZ 85086  
Telephone: (623) 236-7357  
Fax: (623) 236-7929  
E-mail: JODell@azgfd.gov

Please visit the AZGFD web site to track progress of this rule and any other agency rulemaking matters at [http://www.azgfd.gov/inside\\_azgfd/rules/rulemaking\\_updates.shtml](http://www.azgfd.gov/inside_azgfd/rules/rulemaking_updates.shtml).

**5. An agency's justification and reason why the rule should be made, amended, repealed, or renumbered, to include an explanation about the rulemaking:**

The Arizona Game and Fish Commission proposes to amend its Article 2 rules, governing licenses, permits, stamps, and tags to enact amendments developed during the preceding Five-year Review process. After evaluating the scope and effectiveness of the proposed amendments specified in the review report, the Commission proposes additional amendments to further implement the original proposals.

In addition to the amendments made to ensure consistency between Commission rules and conformity with the Arizona Administrative Procedures Act and the Secretary of State's and G.R.R.C.'s rulemaking format and style requirements, the Commission proposes to amend its Article 2 rules as follows:

For R12-4-201 Pioneer License, the objective of the rule is to establish application requirements and hunting and fishing privileges for the pioneer license. The Commission proposes to amend the rule to clarify the pioneer license is a complimentary, no-fee, license and is valid for the license holder's lifetime provided the person's hunting and fishing license privileges remain valid. The rule is amended to clarify that a duplicate paper pioneer license is also complimentary. As a service to pioneer license holders, the Department offers a hard copy pioneer license for a fee of \$4. The proposed amendment clarifies that only a duplicate paper license may be offered at no fee. The rule is also amended to clarify age and residency requirements; while these requirements are prescribed under A.R.S. § 17-336(A)(1), the Commission believes providing this information in rule will benefit the regulated community. In addition, the rule is amended to state that an applicant issued a pioneer license prior to January 1, 2014 is granted all of the privileges established by the most recent rulemaking. This is a "housekeeping" procedure intended to clarify when the new privileges became effective.

For R12-4-202 Disabled Veteran's License, the objective of the rule is to establish application requirements and hunting and fishing privileges for the disabled veteran's license. The Commission proposes to amend the rule to clarify the disabled veteran's license is a complimentary, no-fee, license and is valid for the license holder's lifetime provided the person's hunting and fishing license privileges remain valid. The rule is also amended to clarify that a duplicate paper disabled veteran's license is also complimentary. As a service to disabled veteran's license holders, the Department offers a hard copy disabled veteran's license for a fee of \$4. The proposed amendment clarifies that only a duplicate paper license may be offered at no fee. In addition, the rule is amended to clarify disabled veteran's license eligibility requirements; while these requirements are prescribed under A.R.S. § 17-336(A)(2), the Commission believes providing this information in rule will benefit the regulated community. In addition, the rule is amended to state that an applicant issued a disabled veteran's license prior to January 1, 2014 is granted all of the privileges established by the most recent rulemaking. This is a "housekeeping" procedure intended to clarify when the new privileges became effective.

For R12-4-205 High Achievement Scout License, the objective of the rule is to establish application requirements for the reduced-fee honorary scout license. The Commission proposes to amend the rule only to increase consistency between Commission rules.

For R12-4-208 Guide License, the objective of the rule is to establish the minimum qualifications and application requirements for the guide license. The Commission proposes to amend the rule to increase consistency between A.R.S. Title 17 and rules within Article 2 by citing the definition of aquatic wildlife. The rule is amended to remove the effective date of the rule as it is no longer necessary. The rule is amended to clarify the guide license holder is responsible for compliance with all applicable regulatory requirements and that the license does not exempt the license holder from any other applicable method of take or licensing requirement. This is done to ensure the guide license holder is aware that additional regulations may apply and that the guide license holder must comply with all applicable laws and rules. The rule is amended to incorporate questions regarding off-highway vehicle laws and rules into the guide license examination as A.R.S. § Title 28 was amended to provide the Commission and Department with specific authorities and responsibilities related to off-highway vehicles. The rule is amended to require a person to provide acceptable proof of identity prior to taking the examination. This is necessary to ensure the person applying for the guide license is the same person who is taking the examination because the applicant is not required to take the guide examination at the time of application. The rule is amended to allow an applicant who failed the exam-

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

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ination to retake the examination on the same day or as otherwise agreed upon by the applicant and the examination administrator to ensure consistency in processes between all Department offices. The rule is amended to require an applicant who fails an examination twice on the same day to wait at least seven calendar days before retaking the examination. The rule is amended to extend the prohibition on providing false information applies to required annual reports to increase consistency between Department processes and rules. This amendment will enable the Department to deny a guide license to an applicant who provides false information on the annual report within the previous three years. The rule is also amended to clarify that, in addition to the guide license, a guide license holder must possess a hunting, fishing, or combination hunting and fishing license (as applicable) when performing guide activities or providing guide services. In addition, the rule is amended to clarify how the Department determines the date of receipt for guide license applications and guide reports to notice the regulated community.

For R12-4-216 Crossbow Permit, the objective of the rule is to establish eligibility requirements, conditions, and restrictions for the crossbow permit, which allows a person, who cannot draw and hold a bow, to use a crossbow during an archery-only hunt. The Commission proposes to amend the rule to define "healthcare provider" to include a Medical Doctor, Doctor of Chiropractic, Nurse Practitioner, and Physician Assistant to expand the list of persons authorized to complete the physician's certification portion of the application. This is done to reduce the regulatory burden on the applicant. This change is in response to customer comments received by the Department. The rule is amended to clarify the crossbow permit does not exempt the permit holder from any other applicable method of take or licensing requirement to notice the crossbow permit holder that they must comply with all applicable laws and rules. The rule is amended to establish a temporary crossbow permit for applicants who are temporarily disabled to reduce the regulatory burden on the applicant. This change is also in response to customer comments received by the Department. The rule is amended to allow the Department to issue a crossbow permit to a person who holds a valid Challenged Hunter Access/Mobility Permit (CHAMP). This change is also in response to customer comments received by the Department. The rule is also amended to expand the list of qualifying medical conditions. This change is also in response to customer comments received by the Department. In addition, the rule is amended to clarify that the applicant is responsible for all costs associated with obtaining the medical documentation, to include re-evaluation of the medical information or a second medical opinion.

For R12-4-217 Challenged Hunter Access/Mobility Permit (CHAMP), the objective of the rule is to establish eligibility requirements, conditions, and restrictions for the CHAMP, which allows a disabled person to perform activities while hunting that are normally prohibited under A.R.S. § 17-301. The Commission proposes to amend the rule to define "healthcare provider" to include a Medical Doctor, Doctor of Chiropractic, Nurse Practitioner, and Physician Assistant to expand the list of persons authorized to complete the physician's certification portion of the application. This is done to reduce the regulatory burden on the applicant. This change is in response to customer comments received by the Department. The rule is amended to clarify the CHAMP does not exempt the permit holder from any other applicable method of take or licensing requirement to notice the CHAMP holder that they must comply with all applicable laws and rules. The rule is also amended to expand the list of qualifying medical conditions. This change is also in response to customer comments received by the Department. In addition, the rule is amended to clarify that the applicant is responsible for all costs associated with obtaining the medical documentation, to include re-evaluation of the medical information or a second medical opinion.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes to either rely on or not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The agency did not rely on any study in its evaluation or justification for the rule.

**7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

The Commission's intent in proposing the amendments indicated in item 5 is to benefit the regulated community, members of the public, and the Department by clarifying rule language, creating consistency among existing Commission rules, and reducing the burden on the regulated community where practical. The Commission anticipates the rulemaking will result in an overall benefit to the regulated community, members of the public, and the Department. The Commission anticipates the rulemaking will result in little or no impact to political subdivisions of this state; private and public employment in businesses, agencies or political subdivisions, or state revenues. The Commission has determined that there are no less intrusive or costly alternative methods of achieving the purpose of the rulemaking. Therefore, the Commission has determined that the benefits of the rulemaking outweigh any costs.

**9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**

Name: Johnathan O'Dell, WMGM Small Game Biologist  
Address: Arizona Game and Fish Department  
5000 W. Carefree Hwy.  
Phoenix, AZ 85086



Notices of Proposed Rulemaking

Telephone: (623) 236-7357  
Fax: (623) 236-7929  
E-mail: JODell@azgfd.gov

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: September 5, 2014  
Time: 8:00 a.m. to 5:00 p.m.  
Location: 5000 W. Carefree Hwy.  
Phoenix, AZ 85086  
Close of record: September 5, 2014

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

**a. Whether the rule requires a permit, whether a general permit is used, and if not, the reason why a general permit is not used:**

R12-4-201, R12-4-202, R12-4-208, R12-4-216, and R12-4-217 require a general permit and are in compliance with the requirements prescribed under A.R.S. § 41-1037.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law, and if so, citation to the statutory authority to exceed the requirements of federal law:**

Not applicable

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

The Department did not receive any analyses.

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

Not applicable

**13. The full text of the rules follows:**

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 4. GAME AND FISH COMMISSION**

**ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS**

Section

R12-4-201. Pioneer License  
R12-4-202. Disabled Veteran's License  
R12-4-203. National Harvest Information Program (HIP); State Waterfowl and Migratory Bird Stamp  
R12-4-205. High Achievement Scout License  
R12-4-208. Guide License  
R12-4-216. Crossbow Permit  
R12-5-217. Challenged Hunter Access/Mobility Permit (CHAMP)

**ARTICLE 2. LICENSES; PERMITS; STAMPS; TAGS**

**R12-4-201. Pioneer License**

**A.** A pioneer license grants all of the hunting and fishing privileges of a combination hunting and fishing license. The pioneer license is only available at a Department office.

**B.** The pioneer license is a complimentary license and is valid for the licensee's lifetime.

**~~B.C.~~** A person who meets the criteria in A.R.S. § 17-336(A)(1) is age 70 or older and has been a resident of Arizona for at least 25 consecutive years immediately preceding application may apply for a pioneer license as follows by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). A pioneer license applicant shall provide all of the following information on the application:

Notices of Proposed Rulemaking

1. ~~An applicant for a pioneer license shall submit one of the following documents with the application. The Department shall return to the applicant any original or certified copy after the Department has verified receipt on the application form:~~
  - a. ~~A passport;~~
  - b. ~~An original or certified copy of the applicant's birth certificate;~~
  - c. ~~An original or copy of a valid Arizona driver's license; or~~
  - d. ~~An original or copy of a valid Arizona Motor Vehicle Division identification card.~~
2. ~~An applicant for a pioneer license shall apply on an application form available from any Department office. The form shall include an affidavit to be signed by the applicant that affirms the applicant has been a resident of this state for 25 or more consecutive years immediately preceding application for the license. The applicant shall provide all of the following information on the application form:~~
  - a. ~~The applicant's name, age, date of birth, Department identification number, and physical description;~~
  - b. ~~Current residence address or physical location of residence;~~
  - c. ~~The year Arizona residency was established;~~
  - d. ~~Current mailing address; and~~
  - e. ~~The applicant's signature, either witnessed by a Department employee or notarized.~~
1. The applicant's personal information:
  - a. Name;
  - b. Date of birth.
  - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
  - d. Department identification number, when applicable;
  - e. Residency status and number of years of residency immediately preceding application, when applicable;
  - f. Mailing address, when applicable;
  - g. Physical address;
  - h. Telephone number, when available; and
  - i. E-mail address, when available;
2. Affirmation that:
  - a. The applicant is 70 years of age or older and has been a resident of this state for 25 or more consecutive years immediately preceding application for the license; and
  - b. The information provided on the application is true and accurate.
3. Applicant's signature and date. The applicant's signature shall be either notarized or witnessed by a Department employee.
- D.** In addition to the requirements listed under subsection (C), an applicant for a pioneer license shall also submit any one of the following documents at the time of application:
  1. Valid U.S. passport;
  2. Original or certified copy of the applicant's birth certificate;
  3. Original or copy of a valid government-issued driver's license; or
  4. Original or copy of a valid government-issued identification card.
- E.** All information and documentation provided by the applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.
- ~~C.E.~~ The Department shall deny a pioneer license if an applicant is not eligible for a pioneer license, fails to comply with the requirements of this Section, or provides false information during the application process when the applicant:
  1. Fails to meet the criteria prescribed under A.R.S. § 17-336(A)(1),
  2. Fails to comply with this Section, or
  3. Provides false information on the application.
  4. The Department shall provide written notice to the applicant if the pioneer license is denied stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed in under A.R.S. Title 41, Ch 6, Article 10.
- D.G.** A pioneer license holder may request a no-fee duplicate of the paper license if provided:
  1. The license has been was lost or destroyed;
  2. The license holder submits a written request to the Department for a no-fee duplicate paper license; and
  3. The Department has a record that shows Department's records indicate a pioneer license was previously issued to that individual person.
- E.H.** A person issued a pioneer license prior to the effective date of this Section January 1, 2014 shall be entitled to the privileges established under subsection (A).
- R12-4-202. Disabled Veteran's License**
  - A.** A disabled veteran's license grants all of the hunting and fishing privileges of a combination hunting and fishing license. The disabled veteran's license is only available at a Department office.



Notices of Proposed Rulemaking

- B.** The disabled veteran's license is a complimentary license and is valid for a three-year period from the issue date or the licensee's lifetime, as established under subsection (F).
- ~~B.C.~~** A person meeting the criteria prescribed under A.R.S. § 17-336(A)(2) may apply for a disabled veteran's license. An eligible applicant is a disabled veteran who:
1. Has been a resident of Arizona for at least one-year immediately preceding application, and
  2. Is receiving compensation from the United States government for permanent service-connected disabilities rated as 100% disabling. Eligibility for the disabled veteran's license is based on 100% the disability rating, not on the percentage of compensation received by the veteran.
- ~~1.D.~~** A person applying for a disabled veteran's license shall apply on submit an application to the Department. The application form furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide all of the following information on the application form:
- a. The applicant's:
    - i. Name;
    - ii. Date of birth;
    - iii. Department identification number;
    - iv. Physical description;
  - b. All physical addresses for the calendar year immediately preceding application;
  - c. Mailing address; and
  - d. The applicant's signature, acknowledged before a Notary Public or witnessed by a Department employee.
1. The applicant's personal information:
- a. Name;
  - b. Date of birth;
  - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
  - d. Department identification number, when applicable;
  - e. Residency status and number of years of residency immediately preceding application, when applicable;
  - f. Mailing address, when applicable;
  - g. Physical address;
  - h. Telephone number, when available; and
  - i. E-mail address, when available;
2. Affirmation that:
- a. The applicant meets the eligibility requirements prescribed under A.R.S. § 17-336(A)(2).
  - b. The applicant has been a resident of this state for at least one-year immediately preceding application for the license.
  - c. The information provided on the application is true and accurate; and
3. Applicant's signature and date. The applicant's signature shall be either notarized by a notary public or witnessed by a Department employee.
- ~~2.E.~~** In addition to the requirements established under subsection (D), an applicant for a disabled veteran's license shall also submit with the application form an original certification from the Department of Veterans' Services at the time of application. The certification form is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). An agent of the United States Department of Veteran's Services shall complete the certification. The certification shall include all of the following information:
- ~~a.1.~~ 1. The applicant's full name,
  - ~~b.2.~~ 2. Certification that the applicant is receiving compensation from the United States government for permanent service-connected disabilities rated as 100% disabling,
  - ~~c.3.~~ 3. Certification that the 100% rating is permanent, and:
    - ~~i.a.~~ a. Will not require reevaluation or
    - ~~ii.b.~~ b. Will be reevaluated in three years, and
  - ~~d.4.~~ 4. The signature and title of an agent of the Department of Veterans' Services agent who issued or approved the certification.
- ~~C.E.~~** If the certification required under subsection (B)(2)(e) (E) indicates that the applicant's disability rating of 100% is permanent and:
1. Will not be reevaluated, the disabled veteran's license will not expire.
  2. Will be reevaluated in three years, the disabled veteran's license will expire three years from the date of issuance.
- G.** All information and documentation provided by the applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.
- ~~D.H.~~** The Department shall deny a disabled veteran's license to an when the applicant who:
1. Is not eligible for the license Fails to meet the criteria prescribed under A.R.S. § 17-336(A)(2),
  2. Fails to comply with the requirements of this Section, or
  3. Provides false information during the application process.

Notices of Proposed Rulemaking

- ~~E.4.~~ The Department shall provide written notice to the applicant ~~if the disabled veteran's license is denied stating the reason for the denial.~~ The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- ~~E.~~ The Department shall provide written notice to the applicant ~~if the disabled veteran's license is denied. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Ch 6, Article 10.~~
- ~~F.I.~~ A disabled veteran's license holder may request a no-fee duplicate paper license if provided:
1. The license ~~has been~~ was lost or destroyed,
  2. The license holder submits a written request to the Department for a duplicate license, and
  3. ~~The Department has a record that shows~~ Department's records indicate a disabled veteran's license was previously issued to that ~~individual person.~~
- ~~G.J.~~ A person issued a disabled veteran's license prior to ~~the effective date of this Section~~ January 1, 2014 shall be entitled to the privileges established under subsection (A).

**R12-4-205. High Achievement Scout License**

- A. A high achievement scout license is offered to a resident who is:
1. Eligible for a combination hunting and fishing license, and
  2. Under 21 years of age, and
  3. A member of the Boy Scouts of the United States of America and has attained the rank of Eagle Scout, or
  4. A member of the Girl Scouts of the United States of America and has attained the Gold Award.
- B. The high achievement scout license grants all of the hunting and fishing privileges of the youth combination hunting and fishing license and is only available at Department offices.
1. The license is valid for one-year from the date of purchase or selected start date provided the date selected is no more than 60 calendar days from and after the date of purchase.
  2. A valid hunt permit-tag, nonpermit-tag, or stamp is required to validate the high achievement scout license for the take of big game animals, migratory game birds, or other wildlife authorized by an applicable tag or stamp.
- C. An applicant for a high achievement scout license shall apply on an application form available from any Department office and on the Department's web site at [www.azgfd.gov](http://www.azgfd.gov). The applicant shall provide all of the following information on the application form:
1. ~~The applicant's name, date of birth, Department identification number, and physical description, to include the applicant's eye color, hair color, height, and weight;~~
  2. ~~Current residence address or physical location of residence;~~
  3. ~~Current mailing address; and~~
  4. ~~The applicant's signature either witnessed by a Department employee or acknowledged by a notary public~~
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Department identification number, when applicable;
    - e. Residency status and number of years of residency immediately preceding application, when applicable;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available; and
    - i. E-mail address, when available;
  2. Affirmation that the information provided on the application is true and accurate; and
  3. Applicant's signature and date.
- D. In addition to the application, an eligible applicant shall present with the application form:
1. For an applicant who is a member of the Boy Scouts of the United States of America, any one of the following original documents:
    - a. A certification letter from the Boy Scouts of the United States of America stating that the applicant has attained the rank of Eagle Scout,
    - b. A Boy Scouts of the United States of America Eagle Scout Award Certificate, or
    - c. A Boy Scouts of the United States of America Eagle Scout wallet card.
  2. For an applicant who is a member of the Girl Scouts of the United States of America, any one of the following original documents:
    - a. A certification letter from the Girl Scouts of the United States of America stating that the applicant has completed the award,
    - b. A Girl Scouts of the United States of America Gold Award Certificate, or
    - c. A Girl Scouts Gold Award Certificate from the local council.
- E. The Department shall deny a high achievement scout license to an applicant who:
1. Is not eligible for the license;

**Notices of Proposed Rulemaking**

2. Fails to comply with the requirements of this Section; or
3. Provides false information during the application process;
4. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.

**R12-4-208. Guide License**

- A.** An individual shall not act as a guide, as defined in A.R.S. § 17-101, without a valid guide license. The Department shall issue the following guide licenses to eligible applicants:
1. A hunting guide license, which authorizes the license holder to act as a guide for taking wildlife other than aquatic wildlife.
  2. A fishing guide license, which authorizes the license holder to act as a guide for taking aquatic wildlife only.
  3. A hunting and fishing guide license, which authorizes the license holder to act as a guide for taking all wildlife.
- B.** The Department shall not issue a guide license to an applicant if any of the following apply:
1. The applicant has been convicted, within five years preceding the date of application, of a felony violation of any federal wildlife law;
  2. The applicant has been convicted, within five years preceding the date of application, of a violation of A.R.S. § 17-309(D);
  3. The applicant's privilege to take or possess wildlife or to guide or act as a guide is under current suspension or revocation anywhere in the United States for violation of a federal or state wildlife law; or
  4. The applicant has been convicted, within five years preceding the date of application, of a violation of a federal or state wildlife law for which a license to take wildlife may be revoked or suspended. Subsection (B)(4) shall become effective beginning August 1, 2006.
- C.** Unless the Commission is currently considering suspension or revocation of an applicant's license under A.R.S. § 17-340, the Department may issue a license to an applicant if:
1. The applicant otherwise meets the criteria prescribed by this Section; and
  2. The applicant has been convicted of a violation of any wildlife law in accordance with subsection (B), but the applicant voluntarily reported the violation immediately after committing it.
- D.** The Department shall issue a guide license to an applicant who satisfies the requirements of A.R.S. § 17-362 and meets the following criteria:
1. An applicant for a hunting guide license shall:
    - a. Have a current Arizona hunting license; and
    - b. Answer correctly at least 80% of the questions in a written examination, supervised and administered by the Department, which covers:
      - i. A.R.S. Title 17, Game and Fish, and the Commission's rules on the taking and handling of terrestrial wildlife;
      - ii. Requirements for guiding on federal lands;
      - iii. Identification of wildlife, special state and federal laws regarding certain species, and general knowledge of species habitat and wildlife that may occur in the same habitat; and
      - iv. General knowledge of the types of habitat within the state, and knowledge of special or concurrent jurisdictions within the state.
  2. An applicant for a fishing guide license shall:
    - a. Have a current Arizona fishing license; and
    - b. Answer correctly at least 80% of the questions in a written examination, supervised and administered by the Department, which covers:
      - i. A.R.S. Title 17, Game and Fish, and the Commission's rules on taking and handling of aquatic wildlife;
      - ii. A.R.S. Title 5, Ch 3, Boating and Water Sports, and the Commission's rules on boating;
      - iii. Identification of aquatic wildlife species, special state and federal laws regarding certain species, and general knowledge of species habitat and wildlife that may occur in the same habitat.
      - iv. General knowledge of the types of habitat within the state and knowledge of special or concurrent jurisdictions upon bodies of water within the state.
  3. An applicant for a hunting and fishing guide license shall:
    - a. Have a current Arizona hunting and fishing license; and
    - b. Answer correctly at least 80% of the questions in the written examination required in subsection (D)(1) and the written examination required in subsection (D)(2).
  4. An applicant shall apply for a guide license according to subsections (F) and (G).
- E.** The Department shall administer the examinations required in subsection (D) on the first Monday of the month at any Department Office. The Department shall either provide the examination score after the exam is completed or mail the examination score to the applicant within seven working days of the examination date.
- F.** An applicant for a guide license shall apply on an application form available from any Department office. The applicant

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

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shall provide all of the following information on the application form:

1. The applicant's name, home address, telephone number, residency status, date of birth, Department identification number, and physical description;
  2. Designation of guide license sought:
    - a. Hunting guide;
    - b. Fishing guide; or
    - c. Hunting and fishing guide;
  3. The applicant's current Arizona hunting and fishing license numbers, as applicable;
  4. Responses to questions regarding applicant's eligibility for licensure under subsection (B) and (C); and
  5. The applicant's signature.
- G.** An applicant for a guide license shall submit the following with the application form:
1. The applicant's original written examination score, dated within the past 12 months, for each examination required by subsection (D); and
  2. One of the following as proof of the applicant's identity. The Department shall return any original or certified copy to the applicant after the Department has verified receipt on the application form:
    - a. A passport;
    - b. An original or certified copy of the applicant's birth certificate;
    - c. An original or copy of a valid Arizona driver's license; or
    - d. An original or copy of a valid Arizona Motor Vehicle Division identification card.
- H.** The Department shall deny a guide license if an applicant is not eligible for the license, fails to comply with the requirements of this Section, or provides false information during the application process for a guide license. Any guide license so obtained is void and of no effect from the date of issuance. The Department shall provide written notice to an applicant whose application for a guide license is denied. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Ch 6, Article 10.
- I.** An individual who acts as a guide, who may or may not be hunting with the aid of dogs, shall not pursue any wildlife or hold at bay any wildlife for a hunter unless the hunter is present during the pursuit to take the wildlife. The hunter shall be continuously present during the entire pursuit of that specific animal. If dogs are used, the hunter shall be present when the dogs are released on a specific target animal and shall be continuously present for the remainder of the pursuit. Any wildlife taken in violation of this subsection is unlawfully taken. An individual shall hold wildlife at bay only during daylight hours, unless a Commission Order authorizes take of the species at night.
- J.** An individual who acts as a guide shall not aid, counsel, agree to aid, or attempt to aid another individual in planning or engaging in conduct that results in a violation. An individual who acts as a guide shall report any violation committed by a client.
- K.** When acting as a guide, a licensed guide shall carry an original or legible copy of the valid guide license and shall exhibit it upon request to any peace officer.
- L.** A guide license expires on December 31 of the year that it was issued. An applicant may renew the license for the following license year:
1. The Department shall accept an application for renewal of a guide license after December 1 of the year it was issued, but shall not start the application administrative review process, required by A.R.S. § 41-1072 et seq., before January 10 of the following license year unless the applicant's annual report, required by A.R.S. § 17-362, is received by the Department.
  2. The current guide license shall remain valid, pending Department action on the application for renewal, only if the application for renewal is made before the guide license expiration date and the annual report required by A.R.S. § 17-362 is received by January 10 of the following license year.
- M.** The Department shall renew a guide license only if the applicant continues to satisfy the requirements of A.R.S. § 17-362 and meets all of the following criteria:
1. The applicant is not prohibited from being issued a license under subsection (B);
  2. The applicant has a current valid Arizona hunting or fishing license in accordance with subsection (D);
  3. The applicant applies for the guide license as required in subsections (F) and (G);
  4. The applicant submits the annual report for the preceding license year as required by A.R.S. § 17-362;
  5. The applicant takes or re-takes and passes each applicable written examination required in subsection (D). An applicant is only required to do so if:
    - a. The applicant seeks to add a guiding authority to a current guide license;
    - b. The applicant for a hunting guide license has been convicted, within one year preceding the date of application, of a violation of A.R.S. Title 17, Game and Fish, or the Commission's rules governing the taking and handling of terrestrial wildlife;
    - c. The applicant for a fishing guide license has been convicted, within one year preceding the date of application, of a violation of A.R.S. Title 17, Game and Fish, or the Commission's rules governing the taking and handling of aquatic wildlife;

Notices of Proposed Rulemaking

- d. The applicant fails to submit a renewal application postmarked before the expiration date of the guide license; or
- e. The applicant fails to submit the annual report for the preceding license year, required by A.R.S. § 17-362, postmarked before January 10 of the following license year.
- N.** The Commission may revoke a guide license issued to any individual for conviction of a violation of statute or rule, as provided in A.R.S. § 17-362(A), or revoke or suspend any license held by the guide as provided in A.R.S. § 17-340, or revoke or suspend a guide license for conviction of a felony violation of any law listed in subsection (B), or for revocation of the privilege to take wildlife by any government jurisdiction.
- A.** A guide, as defined under A.R.S. § 17-101, is a person who does any one of the following:
  - 1. Advertises for guiding services.
  - 2. Is presented to the public for hire as a guide.
  - 3. Is employed by a commercial enterprise as a guide.
  - 4. Accepts compensation in any form commensurate with the market value in this state for guiding services in exchange for aiding, assisting, directing, leading, or instructing a person in the field to locate and take wildlife.
  - 5. Is not a landowner or lessee who, without full fair market compensation, allows access to the landowner's or lessee's property and directs and advises a person in taking wildlife.
- B.** A person shall not act as a guide unless the person holds one of the following guide licenses:
  - 1. A hunting guide license which authorizes the license holder to act as a guide for the taking of lawful wildlife other than aquatic wildlife as defined under A.R.S. § 17-101.
  - 2. A fishing guide license which authorizes the license holder to act as a guide for the taking of lawful aquatic wildlife.
  - 3. A hunting and fishing guide license which authorizes the license holder to act as a guide for the taking of lawful wildlife.
- C.** A guide license shall expire on December 31 of each year.
- D.** A person is not eligible to apply for an original or renewal guide license when any one of the following conditions apply:
  - 1. The applicant was convicted of a felony violation of any federal wildlife law, within five years immediately preceding the date of application;
  - 2. The applicant was convicted of a violation of A.R.S. § 17-309(D), within five years immediately preceding the date of application;
  - 3. The applicant was convicted of a violation of a federal or state wildlife law for which a license to take wildlife may be revoked or suspended within five years immediately preceding the date of application; or
  - 4. The applicant's privilege to take or possess wildlife or to guide or act as a guide is currently suspended or revoked anywhere in the United States for violation of a federal or state wildlife law.
- E.** Notwithstanding subsection (D), a person who was convicted of a misdemeanor violation of any wildlife law within one-year preceding the date of application may apply for a guide license provided the person immediately and voluntarily reported the violation to the Department after committing the violation.
- F.** An applicant for a guide license shall:
  - 1. Be 18 years of age or older, and
  - 2. Possess the required Department-issued license, as applicable:
    - a. A current Arizona hunting license when applying for a hunting guide license;
    - b. A current Arizona fishing license when applying for a fishing guide license;
    - c. A current Arizona combination hunting and fishing license when applying for a hunting and fishing guide license;
- G.** The guide license does not exempt the license holder from any applicable method of take or licensing requirement. The guide license holder shall comply with all applicable Commission rules, including, but not limited to, rules governing:
  - 1. Lawful methods of take,
  - 2. Lawful devices, and
  - 3. License requirements.
- H.** Unless otherwise provided under this Section, a person shall successfully complete the Department administered examination, and answer at least 80% of the questions correctly, prior to applying for a guide license. Guide examinations are:
  - 1. Provided at a Department office.
  - 2. Conducted during normal business hours.
  - 3. Conducted on the first Monday of the month or by special appointment.
  - 4. Valid for a period up to twelve months prior to the date on which the applicant submits an application to the Department.
  - 5. A person interested in taking the guide examination shall contact a Department office to obtain scheduling information.
- I.** The examination is based on the type of guide license the person is seeking.
  - 1. A person shall provide acceptable proof of identity, as listed under subsection (L)(2), prior to taking the examination.
  - 2. The examination may include questions regarding any of the following topics:
    - a. A.R.S. Title 17 Game and Fish laws and Commission rules regarding the taking and handling of terrestrial and

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

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- aquatic wildlife;
  - b. A.R.S. Title 28, Ch 3, Article 20 Off-highway Vehicles laws and rule regarding the use of off-highway vehicles;
  - c. A.R.S. Title 5, Ch 3, Boating and Water Sports laws and Commission rules on boating;
  - d. Requirements for guiding on federal lands;
  - e. Identification of aquatic wildlife species;
  - f. Identification of wildlife;
  - g. Special state and federal laws regarding certain species;
  - h. General knowledge of species habitat and wildlife that may occur in the same habitat;
  - i. General knowledge of the types of habitat within the State; and
  - j. General knowledge of special or concurrent jurisdictions within the State.
- 3. An applicant who fails an examination may retake the examination on the same day or as otherwise agreed upon by the applicant and the examination administrator. An applicant who fails an examination twice on the same day shall wait at least seven calendar days, from the examination date, before retaking the examination.
- J.** In addition to the requirement under subsection (H), a guide license holder shall take the Department administered examination when:
  - 1. The applicant is applying to add a new guiding authority to a current guide license;
  - 2. The applicant for a hunting guide license was convicted of a violation of A.R.S. Title 17 or Game and Fish Commission rule governing the taking and handling of terrestrial wildlife within one-year preceding the date of application;
  - 3. The applicant for a fishing guide license was convicted of a violation of A.R.S. Title 17 or Game and Fish Commission rule governing the taking and handling of aquatic wildlife within one-year preceding the date of application;
  - 4. The applicant failed to submit a renewal application postmarked before the expiration date of the guide license; or
  - 5. The applicant failed to submit the annual report for the preceding license year by January 10 of the following license year.
- K.** A person may apply for a guide license by submitting an application to the Department. The application form is furnished by the Department and is available at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). A guide license applicant shall provide all of the following information on the application:
  - 1. The applicant's personal information:
    - a. Name;
    - b. Date of birth;
    - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
    - d. Social Security Number or Department identification number;
    - e. Residency status;
    - f. Mailing address, when applicable;
    - g. Physical address;
    - h. Telephone number, when available;
    - i. E-mail address, when available;
    - j. Type of guide license sought; and
    - k. Calendar year for which the application is made;
  - 2. The outfitting or guide:
    - a. Business name; and
    - b. Business address, as applicable;
  - 3. Responses to questions relating to criminal violations;
  - 4. Affirmation that:
    - a. The applicant meets the eligibility requirements prescribed under this Section; and
    - b. The information provided on the application is true and accurate;
  - 5. Applicant's signature and date.
- L.** In addition to the requirements listed under subsection (K), an applicant for a guide license shall also submit the following documents at the time of application for an original or renewal of a guide license:
  - 1. Proof of the successful completion of the guide examination required under subsection (H). The applicant must successfully complete the examination within the twelve months immediately preceding the date of application.
  - 2. One of the following as proof of the applicant's identity:
    - a. Valid U.S. passport;
    - b. Original or certified copy of the applicant's birth certificate;
    - c. Original or copy of a valid government-issued driver's license; or
    - d. Original or copy of a valid government-issued identification card.
- M.** All information and documentation provided by the guide license applicant is subject to Department verification. The Department shall return the original or certified copy of a document to the applicant after verification.
- N.** An applicant for a guide license shall pay all applicable fees required under R12-4-102 upon approval of an initial or renewal application for a guide license.



Notices of Proposed Rulemaking

- O.** The Department shall deny a guide license when the applicant:
1. Fails to meet the criteria prescribed under A.R.S. § 17-362.
  2. Fails to comply with the requirements of this Section.
  3. Provides false information during the application process.
  4. Fails to provide the annual report required under subsection (Q) by January 10.
  5. Provides false information in the annual report required under subsection (Q) within three years immediately preceding the date of application, or
  6. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- P.** A guide license holder may submit an application for renewal of a guide license after December 1 of the year it was issued. The Department shall not start the administrative review, as defined under A.R.S. § 41-1072, before January 10 of the following license year unless the Department receives the annual report prior to the date established under subsection (Q)(2). The current guide license shall remain valid pending a Department decision on the application for renewal, provided:
1. The application for renewal is submitted to the Department by December 31, and
  2. The Department receives the annual report submitted in compliance with subsection (Q).
- Q.** A guide license holder shall submit to the Department the annual report required under A.R.S. § 17-362(C) for the previous calendar year. The report form is furnished by the Department and is available at any Department office or online at [www.azgfd.gov](http://www.azgfd.gov).
1. A report is required whether or not the license holder performed any guiding activities.
  2. The Department shall not renew a guide license if the annual report is not submitted to the Department by January 10 of the following license year.
  3. The annual report shall include all of the following information, as applicable:
    - a. License holder's personal information:
      - i. Name;
      - ii. Guide license number; and
      - iii. E-mail address, when available; and
    - b. Client's personal information:
      - i. Name;
      - ii. Mailing address; and
      - iii. Arizona license, tag and permit numbers, and
    - c. Dates guiding activities were conducted;
    - d. Number and species of wildlife taken by the clients;
    - e. Game management unit or body of water where guiding activities took place;
    - f. Affirmation that the information provided in the annual report is true and accurate; and
    - g. License holder's signature and date.
- R.** The date of receipt for the items required under subsections (K), (L), (P), and (Q) shall be as follows:
1. The date a person presents the items to a Department office;
  2. The date a private express mail carrier receives the package containing the items as indicated on the shipping package; or
  3. The date of the United States Postal Service postmark stamped on the envelope containing the items.
- S.** While performing guide activities or providing guide services, a guide license holder shall:
1. Possess a valid guide license.
  2. Possess a valid Arizona hunting, fishing, or combination hunting and fishing license, as applicable under subsection (F)(2).
  3. Present the license for inspection upon the request of any peace officer, wildlife manager, or game ranger.
  4. Report any violation of a federal or state wildlife regulation, law, or rule personally witnessed by the guide license holder.
- T.** A guide license holder shall not:
1. Use, or allow another person to use, any method or device prohibited under any federal or state wildlife regulation, law, or rule while taking wildlife.
  2. Aid, counsel, agree to aid, or attempt to aid another person in planning or engaging in conduct that results in a violation of any federal or state wildlife regulation, law, or rule while taking wildlife.
  3. Pursue any wildlife or hold at bay any wildlife for a person unless that person is present during the pursuit to take the wildlife. The person shall be continuously present during the entire pursuit of that specific target animal. If dogs are used, the person shall be present when the dogs are released on a specific target animal and shall be continuously present for the remainder of the pursuit.
  4. Hold wildlife at bay other than during daylight hours, unless a Commission Order authorizes the take of the species at night.



*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

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U. As authorized under A.R.S. § 17-362(B), the Commission may revoke or suspend a guide license when any one or more of the following actions occur:

1. The guide license holder failed to comply with the requirements of A.R.S. Title 17 or was convicted of violating any provision of A.R.S. Title 17;
2. The guide license holder was convicted of a felony violation of any federal wildlife law;
3. The guide license holder was convicted of a violation of A.R.S. § 17-309(D);
4. The guide license holder was convicted of a violation of a federal or state wildlife law for which a license to take wildlife may be revoked or suspended; or
5. The guide license holder's privilege to take or possess wildlife is suspended or revoked by any jurisdiction for violation of a federal or state wildlife law.

**R12-4-216. Crossbow Permit**

A. For the purposes of this Section, "crossbow permit" means a document issued by the Department that authorizes the permit holder to use a crossbow during an archery-only season, as prescribed under R12-4-318. "healthcare provider" means a person who is licensed to practice by the federal government, any state, or U.S. territory with one of the following credentials:

Medical Doctor,  
Doctor of Osteopathy,  
Doctor of Chiropractic,  
Nurse Practitioner, or  
Physician Assistant.

B. A crossbow permit is valid only when the designated animal for the allows a person to use a crossbow, or any bow to be drawn and held with an assisting device, during an archery-only season may otherwise be taken by crossbow, as prescribed under R12-4-318, when authorized under R12-4-304 as lawful for the species hunted. Possession of a crossbow permit does not waive any other requirement for method of take or licensing.

C. The crossbow permit does not exempt the permit holder from any other applicable method of take or licensing requirement. The permit holder shall be responsible for compliance with all applicable regulatory requirements.

D. The crossbow permit does not expire, unless:

1. The medical certification portion of the application indicates the person has a temporary physical disability; then the crossbow permit is valid only for the period of time indicated on the crossbow permit as specified by the healthcare provider on the crossbow application,
2. The permit holder no longer meets the criteria for obtaining the crossbow permit, or
3. The Commission revokes the person's hunting privileges under A.R.S. § 17-340. A person whose crossbow permit is revoked by the Commission may petition the Commission for a rehearing as established under R12-4-607.

~~E.~~ An applicant for a crossbow permit shall apply on by submitting an application form to the Department. The application form is furnished by the Department and is available from at any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The A crossbow permit applicant shall provide all of the following information on the application form:

1. The applicant's name, Department identification number, mailing address, and telephone number;:
  - a. Name;
  - b. Date of birth;
  - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
  - d. Department identification number, when applicable;
  - e. Residency status;
  - f. Mailing address, when applicable;
  - g. Physical address;
  - h. Telephone number, when available; and
  - i. E-mail address, when available;
2. A statement from an M.D., doctor of medicine, with a valid license to practice issued by any state, or a D.O., doctor of osteopathic medicine, with a valid license to practice issued by any state, that affirms The certification portion of the application shall be completed by a healthcare provider. The healthcare provider shall:
  - a. Certify the applicant has a permanent disability of at least 90% impairment of function of one arm; one or more of the following physical limitations:
    - i. An amputation involving body extremities required for stable function to use conventional archery equipment;
    - ii. A spinal cord injury resulting in a disability to the lower extremities, leaving the applicant nonambulatory;
    - iii. A wheelchair restriction;
    - iv. A neuromuscular condition that prevents the applicant from drawing and holding a bow;
    - v. A failed functional draw test that equals 30 pounds of resistance and involves holding it for four seconds;
    - vi. A failed manual muscle test involving the grading of shoulder and elbow flexion and extension or an

Notices of Proposed Rulemaking

- impaired range-of-motion test involving the shoulder or elbow; or
- vii. A combination of comparable physical disabilities resulting in the applicant's inability to draw and hold a bow.
- b. Indicate whether the disability is temporary or permanent and, when temporary, specify the expected duration of the physical limitation; provides the physician's typed or printed name, business address, and signature and
- c. Provide the healthcare provider's:
- Typed or printed name.
  - License number.
  - Business address.
  - Telephone number, and
  - Signature and date:
3. Affirmation that:
- The applicant meets the requirements of this Section, and
  - The information provided on the application is true and accurate, and
4. Applicant's signature and date.
5. A person who holds a valid Challenged Hunter Access/Mobility Permit (CHAMP) and who is applying for a crossbow permit is exempt from the requirements of subsection (2) and shall indicate "CHAMP" in the space provided for the medical certification on the crossbow permit application form.
- ~~D-F.~~ All information and documentation provided by an the applicant for a crossbow permit is subject to Department verification by the Department. The Department shall return the original or certified copy of a document to the applicant after verification.
- ~~E-G.~~ The Department shall provide written notice to an deny a crossbow permit when the applicant whose application for a crossbow permit is denied:
- Fails to meet the criteria prescribed under this Section.
  - Fails to comply with the requirements of this Section, or
  - Provides false information during the application process.
  - The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed under A.R.S. Title 41, Chapter 6, Article 10.
- ~~F.~~ A crossbow permit is valid as long as the criteria for obtaining the permit are met, unless the Commission revokes the permit.
- ~~H.~~ The applicant claiming a temporary or permanent disability is responsible for all costs associated with obtaining the medical documentation, re-evaluation of the information, or a second medical opinion.
- ~~G-I.~~ When acting under the authority of a crossbow permit, the crossbow permit holder shall possess the permit, and exhibit the permit upon request to any peace officer, wildlife manager, or game ranger.
- ~~H-J.~~ A crossbow permit holder shall not transfer:
- Transfer the permit to another individual person, or allow
  - Allow another individual person to use or possess the permit.
- ~~I.~~ After a hearing and upon sufficient cause showing, the Commission shall revoke the crossbow permit of a crossbow permit holder who transfers the permit to another individual or allows another individual to use the permit. An individual whose crossbow permit is revoked by the Commission may petition the Commission for rehearing in accordance with R12-4-607.

**R12-4-217. Challenged Hunter Access/Mobility Permit (CHAMP)**

- A.** For the purposes of this Section, the following definitions apply:
- "Healthcare provider" means a person who is licensed to practice by the federal government, any state, or U.S. territory with one of the following credentials:
- Medical Doctor,
- Doctor of Osteopathy,
- Doctor of Chiropractic,
- Nurse Practitioner, or
- Physician Assistant.
- "Severe permanent disability" means one or more permanent physical or mental disabilities resulting from amputation, arthritis, autism, blindness, burn injury, cancer, cerebral palsy, cystic fibrosis, intellectual disability, muscular dystrophy, musculoskeletal disorders, neurological disorders, paraplegia, pulmonary disorders, quadriplegia and other spinal cord conditions, sickle cell anemia, and end stage renal disease or a combination of permanent disabilities resulting in comparable substantial functional limitations.
- ~~A-B.~~ The Department shall issue to a qualified individual a Challenged Hunter Access/Mobility Permit (CHAMP) that allows

*Arizona Administrative Register / Secretary of State*  
**Notices of Proposed Rulemaking**

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~~the individual~~ a person with a severe permanent disability to perform one or more of the following activities:

1. Discharge a firearm or other legal hunting device from a motor vehicle if, under existing conditions: ~~the~~
  - a. ~~The~~ The discharge is otherwise lawful; ~~the~~
  - b. ~~The~~ The motor vehicle is ~~motionless, it not in motion;~~
  - c. ~~The motor vehicle~~ is not on any road, as defined by ~~under~~ A.R.S. § 17-101; ~~and the~~
  - d. ~~The motor vehicle's~~ engine is turned off.
2. Discharge a firearm or other legal hunting device from a watercraft (~~except a sinkbox~~), ~~including a watercraft propelled by a motor, sail and wind, or both as defined under R12-4-501; if provided the motor has been shut is turned off, the sail furled, or both; and progress has ceased. For the purposes of this subsection, "watercraft" does not include a sinkbox.~~
  - a. ~~The watercraft may be drifting as a result of current or wind action, beached, moored, resting at anchor, or propelled by paddle, oars, or pole.~~
  - b. ~~A person may use a watercraft under power may be used to retrieve dead or wounded wildlife but discharge of a firearm from a watercraft is prohibited if the watercraft is underway.~~
3. Use off-road locations in a motor vehicle if use is not in conflict with ~~other laws~~ federal or state statutes or regulations, or local ordinances or regulations and the motor vehicle is used as a place to wait for game. A person shall not use a motor vehicle shall not be used to chase or pursue game.
4. ~~Designation of~~ Designate an assistant to track and dispatch a wounded animal, and to retrieve the animal, in accordance with the requirements of this Section.

~~B.C.~~ A qualified individual who possesses a ~~The CHAMP holder shall comply with all legal requirements governing method of take and licensing~~ be responsible for compliance with all applicable regulatory requirements. A CHAMP does not exempt the permit holder from any other applicable method of take or licensing requirement.

**D.** The CHAMP does not expire, unless:

1. The permit holder no longer meets the criteria for obtaining the CHAMP, or
2. The Commission revokes the person's hunting privileges under A.R.S. § 17-340. A person whose CHAMP is revoked by the Commission may petition the Commission for a rehearing as established under R12-4-607.

~~C.E.~~ An applicant for a CHAMP shall apply ~~on~~ by submitting an application form to the Department. The application form is furnished by the Department and is available from any Department office and online at [www.azgfd.gov](http://www.azgfd.gov). The CHAMP applicant shall provide all of the following information on the application form:

1. The applicant's name, Department identification number, mailing address, and telephone number:
  - a. Name;
  - b. Date of birth;
  - c. Physical description, to include the applicant's eye color, hair color, height, and weight;
  - d. Department identification number, when applicable;
  - e. Residency status;
  - f. Mailing address, when applicable;
  - g. Physical address;
  - h. Telephone number, when available; and
  - i. E-mail address, when available.
2. A statement from an M.D., doctor of medicine, with a valid license to practice issued by any state, or a D.O., doctor of osteopathic medicine, with a valid license to practice issued by any state, that affirms the applicant is permanently disabled as follows: The certification portion of the application shall be completed by a healthcare provider. The healthcare provider shall:
  - a. Has a disability or combination of disabilities that creates a minimum permanent impairment of function of or equivalent to no less than 90% loss of function in one leg; Certify the applicant has a severe permanent disability as defined under subsection (A), and
  - b. Has a visual field of no more than 20% in the applicant's best functioning eye; or Provide the healthcare provider's:
    - i. Typed or printed name,
    - ii. Business address,
    - iii. Telephone number, and
    - iv. Signature and date;
  - e. Has vision of 20/200 or less after best correction in the applicant's best functioning eye
3. Affirmation that:
  - a. The applicant meets the requirements of this Section, and
  - b. The information provided on the application is true and accurate, and
4. Applicant's signature and date.

~~D.E.~~ All information and documentation provided by the applicant for the CHAMP is subject to Department verification by the Department. The Department shall return the original or certified copy of a document to the applicant after verification.

**Notices of Proposed Rulemaking**

- G.** The applicant claiming a severe permanent disability is responsible for all costs associated with obtaining the medical documentation, re-evaluation of the information, or a second medical opinion.
- ~~**E.H.**~~ The Department shall provide written notice to an deny a CHAMP when the applicant whose application for a CHAMP is denied.
1. Fails to meet the criteria prescribed under this Section.
  2. Fails to comply with the requirements of this Section, or
  3. Provides false information during the application process.
  4. The Department shall provide written notice to the applicant stating the reason for the denial. The applicant may appeal the denial to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10.
- L.** When acting under the authority of the CHAMP, the permit holder shall possess and exhibit the permit upon request to any peace officer, wildlife manager, or game ranger.
- ~~**F.J.**~~ While a motor vehicle or watercraft is in use under subsection (A), the The CHAMP holder shall ensure display on the motor vehicle or watercraft the CHAMP vehicle placard that the Department issues, issued with the CHAMP vehicle placard is visibly displayed on the motor vehicle or watercraft when in use.
- ~~**G.K.**~~ The Department shall provide a CHAMP holder with a dispatch permit that allows the CHAMP holder to designate a licensed hunter as an assistant to dispatch:
1. Dispatch and retrieve an animal wounded by the CHAMP holder, or retrieve
  2. Retrieve wildlife killed by the CHAMP holder.
- L.** The CHAMP holder shall designate the:
1. Designate an assistant only after the animal is wounded or killed. The CHAMP holder shall ensure that
  2. Ensure the designation on the dispatch permit is in ink and includes a:
    - a. A description of the animal, the
    - b. The assistant's name and valid hunting license number, and the
    - c. The date and time the animal was wounded or killed. The CHAMP holder shall also ensure, and
    - d. Ensure compliance with all of the following requirements:
      - ~~1-i.~~ The site where the animal is wounded and the location from which tracking begins are marked so they can be identified later.
      - ~~2-ii.~~ The assistant possesses the dispatch permit and a valid hunting license while tracking and dispatching the wounded animal. When acting under the authority of the dispatch permit, the assistant shall possess and exhibit the dispatch permit and hunting license upon request to any peace officer, wildlife manager, or game ranger.
      - ~~3-iii.~~ The CHAMP holder is in the field while the assistant is tracking and dispatching the wounded animal.
      - ~~4-iv.~~ The assistant does not transfer the dispatch permit to anyone except that the dispatch permit may be transferred back to the CHAMP holder.
      - ~~5-v.~~ Dispatch is made by a method that is lawful for the take of the particular animal in the particular season in accordance with requirements established under R12-4-304 and R12-4-318.
      - ~~6-vi.~~ The assistant attaches the dispatch permit to the carcass of the animal and returns the carcass to the CHAMP holder, and the tag of the CHAMP holder is affixed to the carcass.
      - ~~7-vii.~~ If the assistant is unsuccessful in locating and dispatching the wounded animal, the assistant returns the dispatch permit to the CHAMP holder who strikes. The CHAMP holder shall strike the name and authorization of the assistant from the dispatch permit.
- ~~**H.M.**~~ A dispatch permit is void if cannot be reused when all spaces for designation of an assistant are filled or the dispatch permit is attached to a carcass. The CHAMP holder may request another dispatch permit from the Department if:
1. All spaces for assistants are filled,
  2. The dispatch permit is lost, or
  3. When the CHAMP holder needs another dispatch permit for another big game hunt.
- ~~**I.**~~ A CHAMP is valid as long as the criteria for obtaining the permit are met, unless the Commission revokes the permit.
- ~~**J.**~~ When acting under the authority of the CHAMP, the permit holder shall possess and exhibit the CHAMP, upon request, to any peace officer.
- ~~**K.N.**~~ A CHAMP holder shall not transfer:
1. Transfer the CHAMP to another individual person, or allow
  2. Allow another individual person to use or possess the permit.
- ~~**L.**~~ After a hearing and upon sufficient cause showing, the Commission shall revoke the CHAMP of a permit holder who transfers the permit to another individual or allows another individual to use the permit, or upon conviction for violating A.R.S. § 17-312 or any other law that governs the take of wildlife, for violation of this Section. If an individual's CHAMP permit is revoked by the Commission, the individual may petition the Commission for rehearing in accordance with R12-4-607.